

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	MISCELLANEOUS ACTION NO. C-09-3
	§	
VIRGINIA MCDUGALL	§	

ORDER

On July 24, 2009, the Court held a Show Cause Hearing in the above-styled action.

On July 29, 2008, Agent Linda Smith-Barry of the Internal Revenue Service issued a summons directing Respondent Virginia McDougall to appear before her on August 14, 2008 to testify and to produce IRS Form 1040s for 2003 through 2006. Agent Smith-Barry left a copy of the summons at Dr. McDougall's home. Dr. McDougall did not appear in response to the summons.

On January 7, 2009, Petitioner United States of America requested that this Court issue an order directing Dr. McDougall to show cause as to why she should not comply with the summons, and enter an order directing Dr. McDougall to obey the summons. Petitioner United States of America also requested that it recover its costs in maintaining this action. The Court issued an Order to Show Cause on April 2, 2009, directing Dr. McDougall to show cause as to why she should not be compelled to obey the IRS summons. Dr. McDougall was ordered to file a written response containing specific facts rebutting the government's prima facie case for enforcement of the summons or demonstrating that enforcement of the summons would be an abuse of the court's process. Dr. McDougall was further ordered to personally appear in Court on May 5, 2009 to show cause why she should not be forced to comply with the IRS summons. (D.E. 3.)


Dr. McDougall failed to appear at the May 5, 2009 Show Cause hearing. Petitioner United States of America thus moved the Court to hold Dr. McDougall in contempt of court, as Dr. McDougall failed to produce the summoned documents and records for the tax years requested, and refused to respond to any questions concerning the tax years in question, in violation of the April 2, 2009 Court Order. The Court issued an Order to Show Cause on June 25, 2009, directing Dr. McDougall to appear before this Court to show cause as to why she should not be held in contempt.

At the Show Cause Hearing held on July 24, 2009, Dr. McDougall did not provide any explanation for her failure to comply with the IRS summons. She contumaciously refused to comply with the summons. The Court therefore found Dr. McDougall in contempt of Court for her failure to comply with the Internal Revenue Service summons.

Accordingly, the Court ORDERED that Virginia McDougall is to pay \$100.00 each day beginning on July 24, 2009 to the Clerk of the Court until she supplies the Internal Revenue Service Form 1040 tax returns from 2003 forward, and the Internal Revenue Service Form 941 Quarterly Payroll Returns from January 2007 to June 2008. Alternatively, Dr. McDougall may supply the Internal Revenue Service with the information necessary to create those returns.

Petitioner United States of America is ORDERED to file notice with this Court when Respondent Virginia McDougall has purged herself of contempt by fully complying with the Internal Revenue Service summons at issue in this matter.

SIGNED and ORDERED this 24th day of July, 2009.


Janis Graham Jack
United States District Judge